THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.51 of 2007

Date: 03rd January 2007

Between:

1. D.Ashok Babu, s/o late M.Devi singh,
   aged 36 years, Occupation: Govt. employee,
   r/o H.No.7-1-632/16, Bapunagar,
   S.R.Nagar, Hyderabad and another.

… Petitioners.

And

1. The Assistant City Planner,
   Circle No.V, Municipal Corporation of Hyderabad,
   Khairatabad, Hyderabad and another.

… Respondents.

* * *

ORDER:

The matter is coming up for admission. Heard the learned counsel for the petitioners. Smt. G.Jyothi Kiran, takes notice on behalf of respondents.

2. The writ petition is filed for a writ of Mandamus declaring action of the first respondent and his staff dated 29.12.2006 in orally asking the petitioners to surrender their properties within first week of January 2007 and to demolish their properties bearing premises Nos.7-1-632/16 and 7-1-632/5/1, situated at Bapunagar, S.R.Nagar, Hyderabad, A.P., as illegal, void and in contravention of Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955 and the judgment of Division Bench of this court

rendered in W.P.No.21198 of 1997 dated 03.02.1998 as followed in W.P.No.24556 of 2006 dated 27.11.2006; and consequently restrain the respondents from demolishing the petitioners premises as mentioned above without following due process of law and pass such other suitable orders.

3. Several factual details are narrated in the affidavit filed in support of the writ petition. It is stated that on 29.12.2006 the first respondent visited the premises of the petitioners and orally asked the petitioners to sign on a blank form and to pass receipt or cheque on the ground that the premises of the petitioners are required for road widening.

4. The grievance of the petitioners is that without following due process of law, the respondents are threatening that they will demolish the petitioners' premises in the first week of January 2007. It is needless to say that the respondents are bound to follow due process of law before further proceeding with demolition activity.

5. In view of the same, the writ petition is disposed of directing the respondents not to resort to demolition activity relating to subject matter of the writ petition unless and until they follow due process of law.

6. The writ petition is disposed of accordingly. No order as to costs.

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(P.S.NARAYANA, J.)

Date: January 3, 2007.
BSB